

**IN UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

Nicole M. Frye, Administrator of the	:	TRIAL BY JURY
Estate of James M. Huber	:	
45 Crestwood Ln.	:	CIVIL ACTION NO. 22-597
North East, PA, 16428	:	
	:	
Plaintiff.	:	
	:	
v.	:	
	:	
Anthony Nigro	:	
3331 Trooper Paul Kurdys Way	:	
Buffalo, NY 14225	:	

**ORDER**

Before this Court is Plaintiff's Motion for approval of a settlement of this medical negligence case. Because the action is brought on behalf of an Estate, it cannot be settled without leave of the Court. *See* Local Rule 41 (a)(2)(A).

The Court has considered Plaintiff's motion and the papers filed in support thereof and finds that no hearing is required. The Court finds that the proposed settlement is reasonable. In so finding the Court has considered: (1) the circumstances giving rise to the claim; (2) the nature and extent of the damages; (3) the terms of the settlement and amount of attorney's fees and other disbursements; (4) the circumstances of any other claims or settlement arising out of this same occurrence; (5) the Plaintiff's statement of why they believe the settlement is appropriate. *See* Local Rule 41(a)(2)(i)-(iv). Plaintiff's application is therefore be granted, and the settlement approved.

**ORDERED**, that Plaintiff's Motion to approve settlement (Docket Nos. \_\_\_) is GRANTED; and it is further,

**ORDERED**, that all claims on behalf of the Estate of James M. Huber as against the Defendant herein, are settled for the sum One Million Six Hundred Seventy Five Thousand Dollars (\$1,675,000.00); and it is further

**ORDERED**, that the sum of \$5,015.66 is approved as reimbursement of disbursements advanced by Levin & Zeiger LLP; and it is further

**ORDERED**, that attorney's fees for Levin & Zeiger LLP are approved in the sum of \$586,250.00; and it is further

**ORDERED**, that Nicole Frye, as Administrator of the Estate James M. Huber is hereby authorized and empowered to sign and execute all documents (including but not limited to settlement drafts, settlement agreements and releases, general releases and a stipulation of discontinuance) necessary to effectuate this settlement and to release the Defendant, its' successors and assigns, agents, servants, and employees, as well as its' attorneys and insurers; and it is further

**ORDERED**, that Nicole Frye, Administrator of the Estate James M. Huber, is directed to timely apply to the Court of Common Pleas of Erie County, in the Commonwealth of Pennsylvania, for an Order of Distribution of the net proceeds of the settlement, pursuant to Title 20 of Pennsylvania's Decedents, Estates and Fiduciaries Law; and it is finally

**ORDERED**, the parties are directed to file the Stipulation of Discontinuance after the Erie County Court of Common Pleas of the Commonwealth of Pennsylvania Order of Distribution has been granted and the Clerk of this Court is directed to close this case upon the filing of same.

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**HON. CHRISTINA REISS**  
**UNITED STATES DISTRICT COURT JUDGE**

**Dated:** \_\_\_\_\_